

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

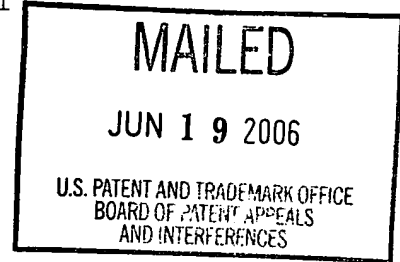
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCE

Ex parte PETER HUMMEL, IGOR JACAK and STANISLAV HUTNAN

Appeal No. 2006-0843
Application No. 09/651,031

ON BRIEF



Before KRASS, SAADAT and MacDONALD, Administrative Patent Judges.
SAADAT, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134(a) from the Examiner's final rejection of claims 1-23, which are all of the claims pending in this application.

We reverse.

BACKGROUND

Appellants' invention relates to computer aided design (CAD) and finite element analysis (FEA) and integration of these two

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fields into a unified design environment. According to Appellants, conventional CAD systems are limited in their ability to define load and support parameters that are used in FEA calculations (specification, page 2). To expand the possibilities for defining parameters for an FEA calculation in a CAD program, Appellants provide for a method in which at least one graphical function of the CAD program is used to define a region within a face of a body for which an FEA parameter is to be entered (specification, page 3).

Representative independent claim 1 is reproduced below:

1. A method for defining at least one parameter for a finite elements analysis (FEA) calculation in a computer-assisted drafting (CAD) program, said method comprising:

a) determining a body for which said parameter is to be defined, said body being an entity processed by said CAD program; and

b) using at least one graphical function of said CAD program to define a region within a face of said body, said region being used to define a load/support condition for said FEA calculation.

The Examiner relies on the following references in rejecting the claims:

Roth	5,289,567	Feb. 22, 1994
St. Ville	5,594,651	Jan. 14, 1997
Itoh et al. (Itoh)	5,774,124	Jun. 30, 1998

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Claims 1-9, 12, 13, 16-18 and 20-22 stand rejected under 35 U.S.C. § 102(b) as being anticipated by St. Ville.

Claims 10, 11, 19 and 23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over St. Ville and Roth.

Claims 14 and 15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over St. Ville and Itoh.

Rather than reiterate the opposing arguments, reference is made to the briefs and answer for the respective positions of Appellants and the Examiner. Only those arguments actually made by Appellants have been considered in this decision. Arguments which Appellants could have made but chose not to make in the briefs have not been considered (37 CFR §41.37(c)(1)(vii)).

OPINION

The main point of contention is based on whether St. Ville discloses the claimed feature of using at least one graphical feature of the CAD system to define a region within a face of the body that is used to define a load/support condition for the FEA calculation. The Examiner equates regions A-F (depicted in Figure 5A) as the claimed region within a face of the body and concludes that by identifying the forces applied to the object, St. Ville describes the claimed term "to define a load/support condition for FEA calculation" (answer, page 11). To support

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this position, the Examiner further relies on the portions (col. 13, lines 55-57 and col. 1, lines 46-49) describing the relationship between FEA and CAD regarding stress analysis (id.).

Appellants argue that elements A-F depicted in Figure 5A are points which neither represent regions defined by a CAD program nor include any definition of a load/support condition for an FEA calculation (brief, page 7). Appellants further contrast the finite element model disclosed by St. Ville (col. 10, lines 28-30) with the claimed method and assert that the load/support conditions in the reference are defined during FEA steps, not during the CAD steps (brief, page 8). Appellants add that St. Ville uses no graphical CAD function for defining the load/support conditions and instead, relies on forces acting on points for defining those conditions (id.).

A rejection for anticipation under section 102 requires that the four corners of a single prior art document describe every element of the claimed invention, either expressly or inherently, such that a person of ordinary skill in the art could practice the invention without undue experimentation. See Atlas Powder Co. v. Ireco Inc., 190 F.3d 1342, 1347, 51 USPQ2d 1943, 1947 (Fed. Cir. 1999); In re Paulsen, 30 F.3d 1475, 1478-79, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994).

After a review of St. Ville, we agree with Appellants' assertion that the claimed step of defining a region within a face of the body used to define a load/support condition for the FEA calculation is absent in the reference. Identifying the measurements and responses of the objects after the fields are applied in St. Ville are performed prior to using the CAD program (see col. 8, lines 1-44). As argued by Appellants (reply brief, page 3), while FEA software uses geometric model data generated by the CAD program (col. 9, lines 1-59), no graphical CAD function is used to define a load/support condition for the FEA calculation. In fact, St. Ville specifically discloses that the finite element model is created (step 23) by a user using an appropriate software package that operates on the previously developed geometric models (Figure 3; col. 9, lines 39-47). In calculating step 24, the FEA calculations are carried out based on elements defined at step 21 without using any CAD program (col. 8, lines 23-25 and col. 10, lines 49-55).

Therefore, although the model geometry is generated using the CAD program, there is no evidence in the reference indicating that the CAD program is used to define regions which in turn, define a load/support condition. We note that independent claims 16 and 20 also require program instructions for defining regions

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by a CAD program wherein the regions are further used to define a load/support condition for an FEA calculation. As discussed above, St. Ville describes no load/support condition that is defined using a graphical function of a CAD program and therefore, cannot anticipate any of independent claims 1, 16 and 20, nor claims 2-9, 12, 13, 17, 18, 21 and 22 dependent therefrom.

Regarding the 35 U.S.C. § 103 rejection of the remaining claims, we note the Examiner's failure to point to any teachings or suggestions in Roth and Itoh that would have overcome the deficiencies of St. Ville discussed above. Based on our determination that St. Ville does not teach the invention of base claims 1, 16 and 20 and the failure of the other cited references to provide the missing teaching or suggestion, the 35 U.S.C. § 103 rejection of claims 10, 11, 19 and 23 over St. Ville and Roth and of claims 14 and 15 over St. Ville and Itoh cannot be sustained.


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CONCLUSION

In view of the foregoing, the decision of the Examiner
rejecting claims 1-9, 12, 13, 16-18 and 20-22 under 35 U.S.C.
§ 102 and claims 10, 11, 14, 15, 19 and 23 under 35 U.S.C. § 103
is reversed.

REVERSED


ERROL A. KRASS)
Administrative Patent Judge)
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MAHSHID D. SAADAT) BOARD OF PATENT
Administrative Patent Judge) APPEALS
) AND
) INTERFERENCES
)


ALLEN R. MacDONALD)
Administrative Patent Judge)
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